

UNITED STATES DISTRICT COURT
For the
DISTRICT OF RHODE ISLAND

Petitioner,

CARLINE VILBON

VS.

Case No. 1:21-cv-00267-MSM-LDA

Respondents,

Kevin Aucoin, Director of Department
Of Children, Youth and Families
101 Friendship Street, Providence, RI. 02903

Doctor Timothy Babineau, President and
CEO for The Lifespan Facilities,
593 Eddy Street, Providence, RI. 02903.

Arthur Mercurio, Director of Residential
Services for The Rumford House
2 Farrell Place, Rumford, RI. 02916

**PETITIONER CARLINE VILBON'S MOTION FOR DEFAULT JUDGMENT AND
OPPOSITION TO THE LIFESPAN FACILITIES' AND THE RUMFORD HOUSE'S
UNTIMELY AND DEFAULTED RESPONSE TO THE PETITION FOR WRIT OF
HABEAS CORPUS**

Pursuant to Rule 55 and 12 of the Federal Rules of Civil Procedures, and 28 U.S.C. Rule 4(a)
(1), I, Carline Vilbon the Petitioner respectfully request this Court to deny the Respondents
response to the Petition for Writ of Habeas Corpus for their failure to timely respond to the
Summons which I served upon them since June 18, 2021 and for avoiding service of this

complaint filed against them, and for their submission of misleading information to this Court in their response. I further request this Court to enter a judgment by default, for the Issuance of Habeas Corpus Petition, and other relief requested in the in this complaint.

As ground, I state the following:

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

On June 17, 2021, I, the Petitioner filed a Petition of Writ of Habeas Corpus against the Respondent's Hasbro Children Hospital, the Rumford House Group Home and the Department of Children, Youth and Families "DCYF" for unlawfully detaining my son Altamir Vilbon "Alex", by submitting false and misleading documents in the Rhode Island Family Court, and for falsely imprisoning Alex, and inflicting physical and mental harm and abuse on him, during his custody of the DCYF, and placement at the Lifespan facilities.

And since I exhausted all remedies at the state level, I filed a petition for Writ of Habeas Corpus in this Court under the United States Code 28 U.S.C. § 2254 the Code of Federal Regulations, 25 C.F.R. § 11.404, the Fourteenth Amendment of the U.S. Constitution – Right to Due Process and Equal Protection of the law. The filing of this petition is referenced by the docket entries dates (D.E), June 17, 2021.

On June 17, 2021, this Court issued a summons, commanding the Respondents to respond to my complaint within 21 days of service, pursuant to Rule 12 of the Federal Rules of Civil Procedures, which I served upon the Respondents on June 18, 2021, along with this petition. Proof of service was filed, on July 6 and July 8, 2021 to verify the date which the respondents were served, and their resistance to accept service.

In serving the Court summons to the Respondents, I have expected the respondent to comply with Rule 12 of the Federal Rules of Civil Procedure and other authorities, but it forfeited its rights to respond to the complaint which I have filed against them.

The Defendant was well aware of the consequences of its failure to respond, according to the summons issued by this Court, which states:

“Within 21 days after service of this summons on you (not counting the day you received It – or 60 days if you are the United States or a United States agency, or an officer or an employee of the United States described in Fed. R. Civ. P. 12 (a) (2) or (3) – You must Serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure, The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose name and address are:

Carline Vilbon, 74 Prince Street, Pawtucket, RI. 02860.

If you fail to respond, judgment by default will be entered against you for the relief

Demanded in the complaint. You also must file your answer or motion with the court”.

See return of summons filed in docket entry 07/06/2021 and 07/08/2021.

THE RESPONDENTS HASBRO CHILDREN’S HOSPITAL AND THE RUMFORD HOUSE FAILED TO RESPOND TO SUMMON ISSUED BY THIS COURT FOR HABEAS CORPUS PETITION, THEREFORE, JUDGMENT BY DEFAULT FOR THE RELIEF REQUESTED SHOULD BE ORDERED AGAINST THEM.

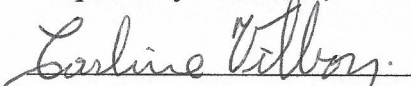
The Respondents, Kevin Aucoin, Director of Department Of Children, Youth and Families, Doctor Timothy Babineau, President and CEO for The Lifespan Facilities, and Arthur Mercurio, Director of Residential Services for The Rumford House failed to timely answer and file their motion pursuant to Rule 12 of the Federal Rules of Civil Procedure for the allegations against them in the Writ of Habeas Petition pursuant 28 U.S.C. § 2254 the Code of Federal Regulations, 25 C.F.R. § 11.404, the Fourteenth Amendment of the U.S. Constitution (which are substantiated

by admissible evidence) as commanded by the summons of this Court, and totally ignored the penalties for their disobedience without good cause, furthermore, the Respondents do not have a Federal statutory right or defense for their violation of Federal laws which were reported in this complaint and therefore, judgment by default should be granted for the following relief:

- (1) To expedite Its issuance of my Writ of Habeas Corpus petition, for the release of Altamir A. Vilbon to come back to me, so that I may seek prompt and effective care and to prevent further harm to him;
- (2) Grant me the Petitioner a writ of habeas corpus by ordering the Respondents to immediately release Altamir from custody;
- (3) Expedite the consideration of the actions of the 25 C.F.R. 11.404, 28 U.S.C. 2241, 28 U.S.C 2254.
- (4) Enjoin the Respondents from their unlawful practices and to order appropriate sanctions against them as deem just and proper.

WHEREFORE: For the reasons stated above, I, Carline Vilbon the Petitioner respectfully request this honorable to enter a judgment by default against the Respondents for the relief that I requested in the Petition for Writ of Habeas Corpus Pursuant to Rule 55 and 12 of the Federal Rules of Civil Procedures, and 28 U.S.C. Rule 4(a) (1), and for good cause.

Respectfully submitted,



Carline Vilbon

74 Prince Street
Pawtucket, RI. 02860
Ph: (401) 654-3470

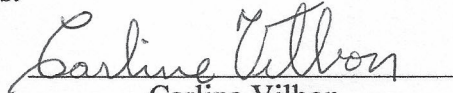
Email:

Dated: October 4, 2021

CERTIFICATE OF SERVICE

I, the Defendant Carline Vilbon, do hereby on this 4th, day of October, 2021, served via **Electronic Mail** a true and accurate copy of the following document to the Respondent's attorneys, Alexander B. Terry, at alex.terry@dcyf.ri.gov, John D. Plummer at , and Justin J. Sullivan at jjsullivan@riag.ri.gov

Petitioner Carline Vilbon Motion for Default Judgment and Opposition to the Lifespan Facilities and the Rumford House's Untimely and Defaulted Response to the Petition for Writ of Habeas Corpus.


Carline Vilbon

Dated: October 4, 2021